

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36684

STATE OF IDAHO,)	2010 Unpublished Opinion No. 562
)	
Plaintiff-Respondent,)	Filed: July 23, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
GERALD B. CUMMINGS, JR.,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. G. Richard Bevan, District Judge.

Order revoking probation and reinstating previously suspended unified seven-year sentence, with one and one-half year determinate term, for possession of a controlled substance, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Gerald B. Cummings, Jr. pled guilty to possession of a controlled substance, I.C. § 37-2732(c)(1), and the district court imposed a unified seven-year sentence, with a one and one-half year determinate term. The court suspended the sentence and placed Cummings on probation. This probation was subsequently revoked and the suspended sentence ordered into execution. Cummings filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. On appeal, Cummings does not challenge the district court's decision to revoke probation, but argues only that this sentence is excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order revoking probation and directing execution of Cummings's previously suspended sentence is affirmed.